

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

TIMOTHY J. OAKLEY

Chapter 7
Case no. 13-13094K

Debtor(s).

NOTICE OF MOTION

MOVANT: Mark J. Schlant, As Chapter 7 Trustee

**DATE, TIME &
LOCATION OF
HEARING:**

February 19, 2014; 10:00 a.m.
U.S. Bankruptcy Court
Olympic Towers
300 Pearl Street, Suite 350
Part I Courtroom, 3rd Floor
Buffalo, New York 14202

RELIEF REQUESTED: An Order directing that the debtor(s) turn over certain assets and/or information described above to the trustee, and extending the time in which the trustee may bring an objection to the debtor(s)'s discharge pursuant to 11 U.S.C. §727, or the U.S. Trustee or the Court may bring a motion to dismiss this case pursuant to 11 U.S.C. §707(b), together with such other and further relief as the Court deems just and proper.

SUPPORTING PAPERS: Motion dated February 5, 2014.

Dated: February 5, 2014
Buffalo, New York

ZDARSKY, SAWICKI & AGOSTINELLI LLP
Attorneys for the Chapter 7 Trustee
s/ Mark J. Schlant
By: Mark J. Schlant
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298 Main Street
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MOTION

MARK J. SCHLANT, as Chapter 7 Trustee, by his attorneys Zdarsky, Sawicki & Agosintelli LLP, hereby respectfully represents:

1. He is the duly appointed, qualified and acting Chapter 7 Trustee herein.
2. Based on the debtor's testimony, statements and schedules, it appears that he is likely to receive income tax refunds for 2013 which are in excess of his exemptions, and which warrant administration by the trustee. It is submitted that the debtor should be ordered to turn over statements reflecting the balances in his bank accounts on the petition date and his 2013 tax returns when they are prepared, and the estate's share of his bank balances and his 2013 income tax refunds, and should not be discharged until he has done so.

WHEREFORE, the Trustee requests an Order directing that the debtor(s) turn over certain assets and/or information described above to the trustee, and extending the time in which the trustee may bring an objection to the debtor(s)'s discharge pursuant to 11 U.S.C. §727, or the U.S. Trustee or the Court may bring a motion to dismiss this case pursuant to 11 U.S.C. §707(b) together with such other and further relief as the Court deems just and proper.

Dated: February 5, 2014
Buffalo, New York

Yours, etc.

ZDARSKY, SAWICKI & AGOSTINELLI LLP
Attorneys for the Chapter 7 Trustee

s/ Mark J. Schlant

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